

June 11, 1999

**OFFICE OF THE HEARING EXAMINER
KING COUNTY, WASHINGTON**

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DECISION ON APPEAL OF NOTICE OF KING COUNTY CODE VIOLATION

SUBJECT: Department of Development and Environmental Services File No. **E9801118**

KIM STAATS
Code Enforcement Appeal

Location: 8520 South 115th Place

Property Kim P. Staats
Owner & 9766 Arrowsmith Avenue South
Appellant: Seattle, WA 98118

SUMMARY OF RECOMMENDATIONS AND DECISION:

Department's Preliminary Recommendation:	Deny the appeal
Department's Final Recommendation:	Consider waiver of penalty
Examiner's Decision:	Grant the appeal

PRELIMINARY MATTERS:

Notice of appeal received by Examiner:	April 23, 1999
Statement of appeal received by Examiner:	April 23, 1999

EXAMINER PROCEEDINGS:

Hearing Opened:	June 7, 1999
Hearing Closed:	June 7, 1999

Participants at the public hearing and the exhibits offered and entered are listed in the attached minutes. A verbatim recording of the hearing is available in the office of the King County Hearing Examiner.

ISSUES/TOPICS ADDRESSED:

◆ Penalties

FINDINGS, CONCLUSIONS & DECISION: Having reviewed the record in this matter, the Examiner now makes and enters the following:

FINDINGS:

1. On February 18, 1999, the King County Department of Development and Environmental Services issued a Notice of the King County Code Violation: Civil Penalty Order: Abatement Order: Notice of Lien: Duty to Notify ("Notice and Order") to Kim Patrick Staats. The Notice and Order related to property commonly known as 8520 South 115th Place in King County, Washington, the legal description of which is contained in the Notice and Order which is Exhibit No. 2 in the hearing record. The Notice and Order was timely appealed by Kim P. Staats on March 11, 1999.
2. The violation of the King County Code alleged in the Notice and Order is the presence of a fire damaged hazardous building, which is structurally unsound and creates a public nuisance and safety hazard, on the subject property. The alleged violation is essentially the same as the violation which was the subject of a Notice and Order issued by the Department on May 18, 1998, in Case No. E9701345. The Appellant corrected that violation by obtaining a fire damage inspection permit. On September 9, 1998 the King County Department of Development and Environmental Services issued a Notice of Satisfaction of the violation, indicating that the violation had been corrected by issuance of the fire damage inspection permit. The said permit was in effect for a one year time period.

The Appellant had understood that obtaining the permit, and proceeding with either demolition or rebuilding within the one year time period of the permit, was all that was required. Nothing in the record indicates that any further requirement, including proceeding more rapidly with demolition or remodeling, had been communicated to the Appellant.

3. Immediately upon receipt of the Notice and Order issued on February 18, 1999, the Appellant converted the fire inspection permit to a demolition permit, and proceeded with demolition and rehabilitation of the property. On May 6, 1999, a final inspection was conducted by King County and the property was found to be in compliance with the King County Code. The Code Enforcement Section has acknowledged that the direction to the Appellant concerning time limits for physical removal of the structure from the premises was incomplete, and recommends that the Hearing Examiner consider waiving penalties assessed by the February 18, 1999 Notice and Order.

4. The subject property is now maintained in compliance with the King County Code, and has been in compliance since May 6, 1999.

CONCLUSIONS:

1. The Appellant took reasonable action in response to the Notice and Order in case E9701345, and satisfied the requirements set forth in the Notice and Order issued in that proceeding. No significant change occurred between the issuance of the Notice of Satisfaction in that proceeding on September 9, 1998, and the issuance of the Notice and Order in the subject proceeding on February 18, 1999.
2. The Appellant reasonably understood that he was in compliance with the King County Code, subject to his proceeding to act to remove the fire damaged building, or remodel the structure, within the time period allowed by the fire damage inspection permit previously issued.
3. No penalty should be assessed in this proceeding, and the appeal of Kim P. Staats from the Notice and Order issued on February 18, 1999 should be granted.

DECISION:

The appeal of Kim P. Staats of the Notice and Order issued on February 18, 1999 is GRANTED. No penalties or costs are assessed in this proceeding.

ORDERED this 11th day of June, 1999.

James N. O'Connor
King County Hearing Examiner

TRANSMITTED this 11th day of June, 1999, to the parties and interested persons shown below:

Jeri Breazeal
DDES Building Services
Code Enforcement
MS 1B Renton

Elizabeth Deraitus
DDES Building Services
Code Enforcement
MS 1B Renton

Kim P. Staats
9766 Arrowsmith Ave. S.
Seattle, WA 98118

Pursuant to Chapter 20.24, King County Code, the King County Council has directed that the Examiner make the final decision on behalf of the County regarding code enforcement appeals. The Examiner's decision shall be final and conclusive unless proceedings for review of the decision are properly commenced in Superior Court within twenty-one (21) days of issuance of the Examiner's decision. (The Land Use Petition Act defines the date on which a land use decision is issued by the Hearing Examiner as three days after a written decision is mailed.)

MINUTES OF THE JUNE 7, 1999, PUBLIC HEARING ON DEPARTMENT OF DEVELOPMENT
AND ENVIRONMENTAL SERVICES' FILE NO. E9801118 – KIM P. STAATS CODE
ENFORCEMENT APPEAL.

James N. O'Connor was the Hearing Examiner in this proceeding. Participating at the hearing were: Appellant Kim P. Staats, and Department of Development and Environmental Services Representatives Jeri Breazeal.

The following exhibits were offered and entered into the hearing record:

- Exhibit No. 1 DDES Staff Report, dated June 7, 1999
- Exhibit No. 2 Notice and Order, dated February 18, 1999
- Exhibit No. 3 Notice and Statement of Appeal, dated March 9, 1999
- Exhibit No. 4 Letter to Applicant from Bill Turner, DDES, dated November 13, 1998
- Exhibit No. 5 Photographs of house, dated January 26, 1999
- Exhibit No. 6 Site inspection printout, dated May 19, 1999
- Exhibit No. 7 Photographs of subject property, dated May 25, 1999

